IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.883 OF 2005

M/s.R. Kishin & Co. ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.S.N. Kantawala i/b. M/s.Kantawala & Co. for petitioner.

S.M.Shah with Mr.Choudhary for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 3RD MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the petitioner and the respondents. By this petition, the petitioner has sought a relief that the respondents ought not to encash the bank guarantee executed by the petitioner. We had by our order dated 24/2/2005 had directed the respondents not to take any further steps to encash the bank guarantee and had granted time to enable the respondents to take instructions in the matter and file an affidavit in reply. The learned counsel for the respondents pointed out that

in fact on 21/2/2005 the bank gaurantee was already encashed. Xerox copy of the communication from the Bank of India dated 21/2/2005 is tendered. The same is taken on record and marked ‘X’ for identification. In view thereof, nothing further survives in the present petition.

2. The learned counsel for the respondents states that the matter will be adjudicated as expeditiously as possible.

3. Petition stands dismissed.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)